IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15087 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHREE BHIDBHANJAN HANUMANJI MANDIR

Versus

MAHANT GURU SHATRUNGADAS

Appearance:

1. Special Civil Application No. 15087 of 2004

MR UA TRIVEDI for Petitioner No. 1-1/6

MR RA SEJPAL for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

MR GM JOSHI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 14/12/2004

ORAL JUDGEMENT

1. The petitioners have by way of this petition

challenged the impugned order dated 4th November, 2004 passed by the Charity Commissioner, below Application Exh.3 in Appeal No. 31 of 2004.

2. I have heard the learned advocates for the respective parties and have perused the relevant record. The learned counsel for the respective parties have stated that they have arrived at a consensus and on that basis the petition may be disposed of.

3. In view of the statement made by the learned counsel for the parties, that they have arrived at a consensus, the order dated 4th November, 2004, passed by the Charity Commissioner in Appeal No. 31 of 2004 is quashed and set aside.

4. The Charity Commissioner shall decide the Appeal and shall pass the order afresh after hearing all the parties without being influenced by the earlier order dated 4th November, 2004. It is stated that order dated 23rd November, 2004 passed by this Court has been complied with and the same shall continue till the final disposal of the Appeal, pending before the Charity Commissioner.

4. With the above observations and directions, the petition stands disposed of. Rule is made absolute t o the aforesaid extent with no order as to costs.
Direct Service is permitted.

[K.S. JHAVERI, J.]

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